

**AUG 01 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

EVANGELISTA LUGO,

Plaintiff - Appellant,

v.

RODOLFO CARRANZA; et al.,

Defendants - Appellees,

No. 05-15624

D.C. No. CV-03-02157-CW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Claudia Wilken, District Judge, Presiding

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Evangelista Lugo appeals pro se from the district court's order dismissing with prejudice his civil rights action, for repeated failure to comply with the court's orders. We have jurisdiction under 28 U.S.C. § 1291. We review a

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissal pursuant to Fed. R. Civ. P. 41(b) for abuse of discretion, *Yourish v. Cal. Amplifier*, 191 F.3d 983, 986 (9th Cir. 1999), and we affirm.

Because Lugo offers no argument concerning the basis of the district court's final order, or any interlocutory order, he has waived any challenge to the district court's judgment. *See Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992).

We do not consider issues resolved in earlier district court actions and earlier appeals to this court.

We deny all pending motions as moot.

**AFFIRMED.**